

POINTS RE S. 782 - ERVIN BILL

The Agency has special problems regarding the loyalty, security consciousness, integrity and psychological stability of its employees:

- a. we know from a number of defectors and penetrations of the Soviet and other hostile intelligence services that an overriding objective of these hostile services is the penetration of our own intelligence services through identifying and exploiting personal vulnerabilities and weaknesses of our personnel
- b. successful penetration of our own organization can provide the enemy with invaluable information about our intelligence gathering capabilities, permitting him to take effective countermeasures. It can tell him what we know, or don't know, about his own capabilities and intentions.
- c. it can provide him with insights enabling him to confuse and deceive us, and, since many Agency personnel are well-informed regarding U.S. capabilities, weapons systems, technology, etc., a penetration may well give an enemy access in these fields.
- d. not only are Agency personnel an attractive target for the enemy, but in many respects they represent a particularly accessible one. Unlike members of most other government organizations, Agency personnel frequently operate alone and, particularly in hostile areas, are subject to heavy psychological pressures. In such

cases they are remote from immediate supervision, or even observation by colleagues. In these circumstances, any latent vulnerabilities or weaknesses in their character or loyalty may come to the surface and be detected and exploited by an ever alert enemy. Therefore since we cannot observe their day to day work in many cases, our only protection against the above-mentioned hazards is the best possible assessment and evaluation of the individual before his assignment. We believe our failure to do this would be a grave injustice to the individual as well as to the Agency. Many people, through no fault of their own, are indeed subject to inherent latent weaknesses and we feel it would be a great disservice to these individuals to impose upon them burdens which would aggravate these weaknesses, perhaps leading to tragic results for them as well as for the Agency.

Hence, we have over the years devised a careful and professional series of medical and psychological tests designed to ensure the best possible selection of the right man for the right job. In a sense this psychological and security testing might be compared with the thorough assessments employed in the selection of American astronauts--we can't afford mistakes if they can be humanly avoided, and in the selection of candidates for these highly specialized and demanding jobs we are concerned alike with both the welfare of the individual and the interest of the Agency.

There are on record any number of cases where sensitive agencies of both the U. S. and friendly allied governments have suffered massive damage precisely because certain human weaknesses of an individual here and there have been detected and exploited by our enemies. A few illustrations are worth recalling (NSA cases; Blake, Philby, Lonsdale, etc., in the U. K. ; German, French, Turkish, Swedish, etc.).

So far as the Ervin bill is concerned we are troubled by several specific provisions, which we believe would seriously impair our ability to maintain the standards of security and integrity which our mission calls for: pick up pages 3 through 6 of the letter to Mahon and Rivers of 25 September 1967.

JMM

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OLC 69-100

4 February 1969

MEMORANDUM FOR THE RECORD

SUBJECT: Meeting with Senator Birch Bayh (D., Ind.) re S. 782

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1. [] and I called on Senator Birch Bayh and reminded him of our continued concern over the Ervin bill (S. 782 - Constitutional Rights of Federal Employees). Senator Bayh assured us of his full support but, like Ed Braswell of Senate Armed Services Committee staff, doubted that the senior southern members of the Committee--long-time friends of Senator Ervin--would wish to confront him on this issue. Senator Bayh thought that before going too far, one more effort should be made by the Director to try to get Senator Ervin to understand our problem. The Senator also expressed uncertainty as to whether Committee hearings on the bill would be conducted and agencies queried--if not, he said, things might move fairly rapidly. He said he would check into the matter and advise us.

2. We cautioned the Senator that we hoped word of our having talked with him would not get back to Senator Ervin or his colleagues. He assured us he would be discreet, remarking he had openly led the fight on the floor and would quite logically be interested in the problem now that it has been reintroduced. He said he would like a blind memo of backup material, which we will provide.

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[]
JOHN M. MAURY
Legislative Counsel

Distribution:

Original - Subject

1 - Chrono

1 - Mr. Bannerman

1 - Mr. Houston

1 - Mr. Wright 1 - Mr. Warner 1 - []

OLC/JMM:jmd

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OLC 69-0101

4 February 1969

MEMORANDUM FOR THE RECORD

SUBJECT: Meeting with Mr. Ed Braswell, Chief of Staff, Senate
Armed Services Committee, Re S. 782

25X1 1. [] and I called on Ed Braswell, Chief of Staff, Senate Armed Services Committee, to advise him of our concern over the reintroduction of the Ervin bill (S. 782 - Constitutional Rights of Federal Employees). We made the following points:

a. the bill in its present form, identical to the version which passed the Senate by overwhelming vote in the last session, presents the most serious problems to certain security safeguards and management procedures which we feel the Agency must maintain if the Director is to discharge his statutory responsibilities;

b. we are reluctant to stir things up at this stage lest we be accused of "lobbying" but wished to ensure that all proper and feasible measures are examined to exempt the Agency from the more troublesome provisions of this bill;

c. one course would be to seek either specific or general exemptions from the application of the bill, and another would be an amendment authorizing the President to grant exemptions for certain agencies or categories of personnel involved in sensitive activities;


d. because we want to take care not to move too rapidly and stir things up on the one hand, or allow the bill to slip by without adequately presenting our case on the other, we would appreciate Mr. Braswell taking a discreet reading on its prospects.

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2. Mr. Braswell expressed the view that it would be hard to get most senior senators, especially influential ones such as Stennis or Russell to "take on" their good friend Senator Ervin in a major confrontation. Our initial effort should probably be to attempt to reason further with Senator Ervin himself and get him to better understand our problem and perhaps find a compromise which would serve our purposes without appearing to be a public retreat or defeat for Senator Ervin. Regarding timing, Braswell said one question was whether Committee hearings would be held and the matter referred to various departments for comment, or whether these steps would be dispensed with in view of the fact that they had already been covered during the last Congress. Braswell said he would look into this also and keep us advised, adding he would appreciate a blind, backup memo summarizing our main points. This we promised to provide.

3. In parting, Mr. Braswell commented that the Committee had still not completed its organizational arrangements and he could not predict when they would wish a briefing from the Director, but we should expect intensive questioning on Soviet ABM and ICBM development, since the Sentinel issue was of major concern to many Committee members.


JOHN M. MAURY
Legislative Counsel

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